IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 853 of 2006(M/B)

Subhash Singh S/o Sri Amar Singh,
R/o Mohalla Shekhpura Kankhal,
P.S. Kankhal, District Haridwar. …… Petitioners.

Versus

1. State of Uttaranchal,
2. Senior Superintendent of Police, Haridwar.
3. Station House Officer, Kankhal, District Haridwar. …… Respondents.

Mr. Pawan Kumar, Advocate for the petitioner.
Mr. D.K. Sharma, Government Advocate for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Pawan Kumar, Advocate for the petitioner.

Mr. D.K. Sharma, Government Advocate for the respondents.

They are heard on admission.

2. Petitioner Subhash Singh, on whose report Police, Kankhal, District Haridwar registered a case at Crime No. 101 of 2003 for the alleged commission of the offences punishable under Section 420, 467, 468, 471 and 120-B of I.P.C., has filed this writ petition for the following reliefs:

> "a. issue a writ, order or direction in the nature of mandamus directing the respondent to file the charge sheet in case crime No. 101 of 2003 under section 420, 467, 468, 471 and 120-B of I.P.C. P.S. Kankhal, District Haridwar.
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> b. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

c. award the cost of writ petition to the petitioner."

3. Mr. Pawan Kumar, the learned counsel for the petitioner vehemently argued that the police, though has completed the investigation of the case registered on the petitioner's report, is not filing either charge sheet against the accused persons for a final report before the concerning court.

4. If the police has already completed the investigation, as submitted by the learned counsel for the petitioner, it is duty bound under the provisions of Code of Criminal Procedure to submit a report before the concerning court and no writ of mandamus to that effect is required to be issued by the Court.

5. With the above observation, the writ petition stands disposed of.

7. With the above order, CLMA No. 9036 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) 20.07.2006

(Rajeev Gupta, C.J.) 20.07.2006

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